



RESTRICTION ELECTION FACSIMILE TRANSMISSION

DATE: October 8, 2003

FROM/ATTORNEY: Patricia Chisholm

FIRM: Merck & Co., Inc.

PAGES, INCLUDING COVERSHEET: 3

PHONE NUMBER: 732-594-5738

OFFICIAL

RECEIVED
CENTRAL FAX CENTER

OCT 09 2003

TO EXAMINER: Sarvamangala Devi

ART UNIT: 1645

SERIAL NUMBER: 10/089,787

FAX/TELECOPIER NUMBER: (703) 308-4315

**PLEASE NOTE: THIS FACSIMILE NUMBER IS TO BE USED ONLY
FOR RESPONSES TO RESTRICTIONS.**

COMMENTS: _____

IF YOU HAVE NOT RECEIVED ALL THE PAGES OF THIS TRANSMISSION, PLEASE CONTACT THE ATTORNEY AT THE TELEPHONE NUMBER LISTED ABOVE.

IN COMPLIANCE WITH 1096 OG 30, THE FILING DATE ACCORDED EACH OFFICIAL FAX TRANSMISSION WILL BE DETERMINED BY THE FAX MACHINE DATE STAMP FOUND ON THE LAST PAGE OF THE TRANSMISSION, UNLESS THAT DATE IS A SATURDAY, SUNDAY, OR FEDERAL HOLIDAY WITHIN THE DISTRICT OF COLUMBIA, IN WHICH CASE THE OFFICIAL DATE OF RECEIPT WILL BE THE NEXT BUSINESS DAY.

THE DOCUMENT(S) ACCOMPANYING THIS FACSIMILE TRANSMISSION CONTAIN(S) INFORMATION FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH IS CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THIS INFORMATION IS FOR THE USE OF THE INDIVIDUAL OR FIRM NAMED ON THIS SHEET. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS INFORMATION IS STRICTLY PROHIBITED. THE DOCUMENTS SHOULD BE RETURNED TO THE PATENT AND TRADEMARK OFFICE IMMEDIATELY. IF THIS FACSIMILE IS RECEIVED IN ERROR, PLEASE NOTIFY THE ATTORNEY LISTED HEREON IMMEDIATELY.

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW. (FAX: 703-308-4315.)

Dorene M. Mc [Signature] 10/8/03
Name Signature Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	El-Sherbeini, Mohamed		
Serial No.:	10/089,787	Case No.:	20522P
		Art Unit:	1645
Filed:	04/03/2002	Examiner:	S. Devi
For:	MraY gene and enzyme of <i>Pseudomonas aeruginosa</i>		

VIA FACSIMILE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Restriction Requirement mailed September 12, 2003, having a shortened statutory period for reply that will expired on October 12, 2003.

Since this Response is being filed by facsimile prior to the expiration of the statutory period set for reply, this transmittal does not include a Petition for Extension of Time or the requisite fee required to secure an extension. In the event that fee is deemed to be required, please treat this paper as a request under 37 C.F.R. §1.136(a) to charge Deposit Account No. 13-2755 the appropriate large entity fee.

U.S.S.N.: 10/089,787

Case No.: 20522P

Page No.: 2

In addition, Applicants would like to direct the Examiner's attention to the fact that an Information Disclosure Statement (IDS) and copies of the cited references, in accordance with the provisions of 37 C.F.R. 1.97, is being filed via first class mail today. Applicants respectfully request that the Examiner enter the IDS into the file and consider the references cited therein during the first substantive examination of this application.

Claims 1-16 are pending in the above-referenced application. A requirement for restriction has been imposed on claims 1-16 requiring the Applicants to restrict the subject matter of the instant application to the invention encompassed within one of the following four groups:

Group I (claims 1-4 and 6-9) drawn to an isolated polynucleotide encoding a polypeptide having SEQ ID NO: 2, or that is complementary to the polynucleotide or that hybridizes with the polynucleotide, a cDNA, an expression vector and a host cell comprising the same;

Group II (claims 5 and 10) drawn to a process for expressing a MraY protein of *Pseudomonas aeruginosa* by culturing a host cell;

Group III (claims 11-14), drawn to a probe and a primer comprising SEQ ID NO:3 or SEQ ID NO: 4; and

Group IV (claims 15 and 16) drawn to an isolated polypeptide comprising an amino acid sequence of SEQ ID NO:2 and a cellular extract comprising the same.

Applicants hereby elect to prosecute the subject matter assigned to Group I (i.e., claims 1-4 and 6-9) without traverse. Applicants expressly reserved the right to pursue the subject matter of the non-elected claims that have been assigned to Groups II-IV in one or more divisional and/or continuing applications.

Respectfully submitted,

By Patricia Chisholm
Patricia Chisholm
Reg. No. 45,822
Attorney for Applicant

MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-5738

Date: October 8, 2003

RECEIVED
CENTRAL FAX CENTER

OCT 09 2003

OFFICIAL

TOTAL P.03